

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5101 OF 2001

Smt. Minakshi Subhash Koli and ors. ..Petitioners

Vs.

The State of Maharashtra and ors. ..Respondents

Mr. R.P. Sabban for petitioners.

Mr. C.R. Sonawane, AGP for respondent nos.1 and 2.

Ms. R.V. Tawade for respondent no.4.

CORAM: B.H. MARLAPALLE & NARESH H. PATIL, JJ.

Date : October 05, 2006.

P.C.:

1. Heard the learned counsel for the petitioners. It is clear that the petitioners have filed this petition under the apprehension that their structures were likely to be demolished. Undoubtedly, demolition of encroached or unauthorised structures can be undertaken by following the due process of law and if the petitioners are issued notice for demolition, they will have to file a reply under the Bombay Highways Act, 1955. Under the said Act there is also a remedy of appeal to the Collector in case such an order is finally passed against the petitioners.

2. We, therefore, do not see any reason to entertain this petition at this stage.

3. The petition is, therefore, rejected and in case the petitioners submit a representation to the Competent Authority within a period of four weeks from today, the protection granted by this court will continue to operate for the said period of four weeks.

(Naresh H. Patil, J.)

(B.H. Marlapalle, J.)